

**JUDGE HILL
POSTPONES
BURNS AND
LEHON TRIAL**

Contempt Case
Delayed Be-

cause Counsel for
Detec-

tives Will Be Out of
City

Judge Ben H. Hill Saturday morning postponed the trial of the contempt Cases against Detective W. J. Burns and his assistant

Dan S. Lehon. The postponement was taken because Judge Arthur Powell, counsel for the two detectives, was out of the City and engaged in the trial of a Case before another Court. No date has been fixed for the hearing, but it will probably occur some time next week. Burns and Lehon have been cited by Judge Hill to show cause why they should not be held on contempt for having been instrumental in causing the witness, Annie Maude Carter, a Negress, to leave the jurisdiction of the Court.

The hearing on the motion to set aside the Frank verdict was postponed Saturday morning by Judge Hill until next Friday morning at 10 o'clock. This postponement was taken because Solicitor Dorsey is engaged in Court and has not had time to prepare for combating the motion.

Attorney Leonard Haas, representing the defense of Leo M. Frank, appeared before Judge Hill on Saturday to get him to certify to the bill of exceptions on which the extraordinary motion on the ground of new evidence will be carried to the supreme Court, but the jurist did not affix his signature to the document on account of an objection by Solicitor General Hugh M. Dorsey.

Mr. Dorsey, who was served Friday with a copy of the bill, Stated that in the brief of the evidence the defense has omitted several things, which he considers relative.

As an instance, he says it fails to appear that C. W. Burke witnessed certain affidavits. He declared that while he and his assistants are checking up the brief, it will require some time to complete the work.

Accordingly Judge Hill set 3 o'clock Monday afternoon as the hour to proceed with the formality. The defense must file the papers with the supreme Court by Tuesday night or lose its right to appeal the motion.

During the conversation about the proposition, it developed that by actual count 412 different affidavits were introduced at the hearing of the extraordinary motion. For the sake of brevity, Mr. Haas Stated that he had attempted to condense these

affidavits. The solicitor Stated that he thought that their full text should be sent to the supreme Court.

Mr. Haas and Mr. Dorsey will endeavor to agree upon the disputed points before the papers are again brought before Judge Hill.

Police Board Holds Burns' Associates Under Bond

At a meeting Friday night of the Police Board, City and State Cases were made against Detective W. J. Burns and six men associated with him in his recent investigation of the Mary Phagan murder Case. All the men were present except Burns, and they were placed under arrest and gave bond. Their names, and the amounts of their bonds follow:

Dan S. Lehon, southern manager of the Burns national detective agency, \$500 bond; C. E. Sears, manager of the Atlanta branch of the Burns agency, \$100 bond; L. P. Whitfield, \$200 bond; W. D. McWorth, \$200 bond; W. W. (Boots) Rogers, \$200 bond; C. C. Tedder, \$200 bond.

Councilman Jesse B. Lee, who was present as a spectator, went on Tedder's bond. He and W. P. Fain, of the Police Board, jointly went on Sears' bond. Bond for the others was made by Leonard Haas, Attorney for the Fidelity and Deposit Company, of Maryland.

The Special Committee of the Police Board appointed last Tuesday night to investigate the operations of Burns and his men in the Phagan Case reported that they were guilty, in the Committee's opinion, of violating a City Ordinance and a State Law, and recommended that

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Cases be made against them. The Committee's report was unanimously adopted, and the Cases were thereupon made and the men placed under arrest. The Board was in session, about twenty minutes. The Cases were set for trial before the recorder Tuesday afternoon at 2:30 o'clock.

Sears, in whose name the local Burns agency took out its license, is charged with working operatives without first submitting them to the chief of Police for approval, the operatives in question being Burns and the men above named. There is no State Case against Sears, in which respect he was let off lighter than the others.

The City Case against the others is based on the charge that they operated without a license in violation of the City Ordinance relating to private detectives, which Ordinance provides a penalty of \$200 fine or 30 days in the stockade, either or both, for each day's operation.

The State Case is based on the charge that they violated a section of the code providing that no person shall act as sheriff, deputy, marshal, peace officer or detective who does not reside in the State and who has not been approved by the local authorities. The penalty for violation of this section is a fine of \$1,000, six months on the chaingang, twelve months in jail, either or all in the discretion of the Court.

Lehon Denies Burns Is On Way to Atlanta

Reports that William J. Burns is en route to Atlanta to answer the charges against him, are declared to be incorrect by Dan S. Lehon, his lieutenant.

Lehon declares Burns was in Denver, Col., Thursday, and that he has not heard from him since that time. He says Burns is busy on some Cases in the west and he does not expect him to return in the immediate future.

Lehon declares he has never Stated Burns would return Saturday and that Statements to that effect from others were unauthorized.

Lehon states he does not think his chief will return specifically to answer the charges in the Police Court for operating

here without a permit. If Burns' presence is required, however, by the superior Court, Lehon says he will return.

Besides making a \$200 bond Friday night on the Police Court Cases, Lehon is now under a \$2,500 bond on the grand jury indictments charging him with subornation of perjury in two Cases. This bond was signed by Milton Klein, one of the employers of Burns. Carlton C. Tedder and Arthur Thurman, indicted with Lehon, have also made bond, in the sum of \$2,000. The Fidelity and Deposit Company signed Tedder's bond, and a personal friend signed the bond for Thurman. During Friday evening, C. B. Ragsdale, indicted for perjury, made a \$1,000 bond, which was signed by R. D. King.
